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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR
(CHHATTISGARH)

WRIT PETITION NO. 1364 /2004

PETITIONER

Mohd Sahir, son of Late Mohd Hanif Seikh, aged about 24 years, R/o. Ambikapur, Tah. Ambikapur, District Surguja (CG)

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through : The Secretary, Department of Energy Resources, D.K.S. Bhawan, Raipur (C.G.)

2. The Chhattisgarh State Electricity Board, through : Its Joint Secretary, C.S.E.B. P-II, Raipur (Chhattisgarh)

3. The Executive Engineer, Operation and Maintenance, Chhattisgarh State Electricity Board, Ambikapur, district Surguja (CG)

4. The Chief Engineer, Chhattisgarh State Electricity Board, Bilaspur (Chhattisgarh)

P. R No. 1351 Dy. Registrar
Presented by Sahir
dated 11-5-04

RECEIVED COPY
Clerk to A.G. Bilaspur

Respondent No.(5) M.P. Electricity Board,
Through Chairman M.P.E.B.
Shakti Bhawan Rampur
Jabalpur M.P.

Respondent No.(6) Union of India,
Through The Chief Secaratery
Department of Personal and Traning
and Public Grivances
Shastri Marg New Delhi.

XI-HC-78

(104)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP No:1364/04 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्र.	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

6.7.2006

Shri Sanjay Kumar Agarwal, counsel for the petitioner.

Shri A.S. Geharwar, Standing Counsel for respondent No.1 to 4.

Shri Vivek Verma, counsel for respondent No.5.

Shri S.K. Beriwal, Central Government Standing Counsel for respondent No.6.

By the petition the grievance raised by the petitioner, who is son of Late Mohd. Hanif Sheikh, who was working as Administrative Officer in M.P.E.B. and died on 6.3.1999 in harness due to ill health, is that after the death of his father he moved an application before the respondent-Electricity Board for compassionate appointment, as there is no one in the family of Late Mohd. Hanif Sheikh to earn livelihood for the family members. The mother of the petitioner also wrote a letter to respondent No.3 and respondent No.3 forwarded the same to respondent No.4 by letter dated 7.2.2002 (Annexure P-3), but the case of the petitioner has not been considered. Therefore, the petitioner has prayed that policy dated 28.2.2004 be quashed and respondent-CSEB be directed to consider the case of petitioner for compassionate appointment.

In the reply filed by the respondent-CSEB it has been mentioned that as per policy dated 28.2.2004 the dependents of such employees, who died on or after 15.11.2000, are only entitled for compassionate appointment.

I have heard learned counsel for the parties and perused the record.

It is an admitted position that the petitioner's father died on 6.3.1999 while working in the MPSEB, thereafter the petitioner applied for

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेशक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

compassionate appointment and before his application is decided policy dated 28.2.2004 came into existence and as per policy the dependents of those employees who died in harness on or after 15.11.2000 are only entitle for compassionate appointment and the objective behind said cut-off date is that after bifurcation of the State of M.P., CSEB came into existence on 15.11.2000.

In the circumstances, I am of the considered opinion that the respondent-CSEB is not entitled to refuse the consideration of application of the petitioner for compassionate appointment, for the reasons that vide order dated 6th January 2004, Government of India, Ministry of Power, issued an order in which it has been mentioned that representatives of both the States agreed in a meeting taken by Secretary, Power on 20th March 2003 that the division of employees would be in line with policy adopted for division of employees of MP Government. In para-2, it has been mentioned that the matter has been considered and in partial modification of provisional order dated 12th April 2001 so far as relating to the division of employees it has been decided finally to divide the posts and employees on the lines followed by DOPT for allocation of posts and employees of the State Government of erstwhile Madhya Pradesh for making allocation of posts and persons to the successor Electricity Board of MPEB on the principle that posts relatable to territorial jurisdiction of a successor State may be allotted to respective State and similarly employees belonging to such sub State territorial cadres being allocated to concerned State and only dividing the remaining posts and employees between the two States, the Government of India has decided to

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

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appoint a 3 members State Advisory Committee to be headed by the same person who was the Chairman of SAC appointed by DOPT for Madhya Pradesh. Therefore, on this principle the employees of MPEB who were working in the territory of newly created Chhattisgarh are to be allocated to the successor Chhattisgarh State Electricity Board on the principle and line followed by DOPT for allocation of posts and employees of the State Government of erstwhile State of Madhya Pradesh.

The petitioner's father was working at Ambikapur, which falls in the territorial jurisdiction of newly created CSEB, as such, as per above order of the Union of India the services of the petitioner's father stands allocated to the respondent CSEB and as the petitioner's father died in harness on 6.3.1999 while serving the respondent CSEB and at that time policy dated 30.1.1997 was in force, therefore, as has been held by this Court in order dated 20.6.2006 passed in W.P. No 1126/03 the petitioner's case has to be considered according to the policy in force at the time of death of the petitioner's father i.e. policy dated 30.1.1997 and it is made clear that the policy dated 28.2.2004 is not applicable in the case of the present petitioner.

Accordingly, the petition of the petitioner is disposed of with the direction that respondent-CSEB to consider the case of the petitioner for compassionate appointment in accordance with the policy dated 30.1.1997 within a period of six months.

C.C. as per rules.

Sd/-
L.C.BHADOO
Judge